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Hearing Date: May 2, 2017  
Time: 10:00 a.m.

Objection Deadline: March 31, 2017  
Time: 5:00 p.m.

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L.  
Madoff,

Plaintiff,

v.

THE LUSTIG FAMILY 1990 TRUST; and DAVID  
I. LUSTIG, individually and in his capacity as  
Trustee for The Lustig Family 1990 Trust,

Defendants.

Adv. Pro. No.: 10-04417 (SMB)

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L.  
Madoff,

Plaintiff,

v.

DAVID IVAN LUSTIG,

Defendant.

Adv. Pro. No. 10-04554 (SMB)

**ORDER GRANTING TRUSTEE'S  
MOTION TO STRIKE AFFIRMATIVE DEFENSES**

Upon the motion dated February 28, 2017 of Irving H. Picard (the "Trustee"), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and the substantively consolidated estate of Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, seeking entry of an order, under Rule 12(f) of the Federal Rules of Civil Procedure, made applicable to this proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, granting the Trustee's request to strike certain of Defendants' affirmative defenses; and the Court having considered the Memorandum of Law in Support of the Trustee's Motion to Strike Affirmative Defenses (the "Motion"); and any objections thereto; and due notice of the Motion having been given, and it appearing that no other or further notice need be given; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon the proceedings before the Court and after due deliberation, it is hereby:

1. ORDERED, that the relief requested in the Motion is granted; and it is further
2. ORDERED, that Defendants' Eighth, Ninth, Tenth, Eleventh and Twelfth

Affirmative Defenses are hereby stricken.

Dated: New York, New York

\_\_\_\_\_, 2017

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HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE